

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Lhing-Yew Li, et al.

PATENT APPLICATION

POLYNUCLEOTIDE CONSTRUCTS
ENCODING ASPARTATE KINASE,
ASPARTATE-SEMIALDEHYDE
DEHYDROGENASE, AND
DIHYDRODIPICOLINATE REDUCTASE
AND RELATED CONSTRUCTS, PRODUCTS,
AND METHODS

Serial No.: 10/067,974

Group Art Unit: 1652

Filed: February 8, 2002

Examiner: Kerr, Kathleen M.

Pittsburgh, Pennsylvania 15219
December 7, 2004

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR CONTINUED EXAMINATION AND
RESPONSE AND AMENDMENT UNDER 37 CFR 1.114 (SUBMISSION)

Sir:

This is a submission under 37 CFR § 1.114 and is in response to the Official Action mailed on September 8, 2004 in connection with the above-captioned Application, having a shortened statutory period for response set to expire up to and including December 8, 2004. Applicants file herewith a Request for Continued Examination and Preliminary Amendment. The Examiner's objections and rejections in the parent case have been carefully considered, and in view of the following remarks and amendments, reconsideration and early allowance of all pending claims is courteously requested.

Applicants gratefully acknowledge Examiner Kathleen Kerr's interview of October 21st, 2004. The substance of the discussion is summarized in the Interview Summary made of record in the parent case by Examiner Kerr

Please amend this Application as follows:

Amendments to the Claims are reflected in the Listing of Claims, which begins on page 3 of this paper.

Remarks/Arguments begin on page 10 of this paper.

Conclusion begins on page 16 of this paper.

Authorization begins on page 17 of this paper.

Appendix A - 1.132 declaration and affidavit by Applicant Lhing-Yew Li on function of ORF2 polypeptide, activity of the dapC gene product N-succinyl-aminoketopimelate transaminase, and inventive contribution to the Hanke *et al.* application as distinct from instant invention begins on page 18 of this paper.